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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,040	02/01/2001	Joerg Ehrhardt	7057 US	2464
71012	7590	01/19/2010		
Fogarty, L.L.C. P.O. Box 703695 Dallas, TX 75370-3695			EXAMINER	
			KE, PENG	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOERG EHRHARDT,  
JENS KITTAN and WOLFGANG BORGERT

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Application No. 09/776,040  
Technology Center 2100

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Mailed: January 19, 2010

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Before PAMELA S. BENNETT, *Paralegal Specialist.*  
BENNETT, *Paralegal Specialist.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 11, 2010. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**EXAMINER'S ANSWER, GROUNDS OF REJECTION**

The Examiner's Answer mailed August 18, 2009 did not include a rejection for claim 12. It is noted that the Final Rejection mailed December 10, 2008 also did not include a rejection for claim 12, even though it stated on page 2 that claims 1-20 are pending in this application. Clarification and correction of all Grounds of rejection for all claims is required.

**CONCLUSION**

Accordingly, it is ORDERED that the application be returned to the Examiner:

- 1) to vacate the Examiner's Answer mailed August 18, 2009;
- 2) to generate a new Examiner's Answer setting forth the correct Grounds of rejection and to correct other sections of the Answer as may be required;
- 3) if appropriate, to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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